

Remarks

Claims 1-29 are pending. Claims 1-29 are rejected. Applicants respectfully traverse the rejection and request allowance of claims 1-29. Reconsideration is respectfully requested.

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) over Great Britain Patent No. GB 2345974 to Gaskell et al. in view of U.S. Patent No. 6,446,512 to Zimmerman et al. Applicant respectfully traverses the rejection.

Independent claims 1, 10, and 20 require receiving meter calibration values for the flow meter. Independent claims 1, 10, and 20 further require correlating the meter calibration values to known meter calibration values in order to determine the flow meter type. Advantageously, the flow meter type identification provides a flow meter type identification that uses information inherent within a flow meter or within a flow meter system or network.

Gaskell discloses a fluid meter test system including a calibration meter in series with a meter under test. The Office Action asserts that Gaskell discloses that “the same type of flow meter has similar calibration factors.” The Office Action appears to be creating this statement from page 2, last paragraph of Gaskell. However, Gaskell does not state this. Gaskell does NOT disclose each fluid meter type having unique and identifiable calibration factors. It is possible that different fluid meter types can share calibration values or have calibration values that are too similar to be differentiable and therefore cannot be used to identify a meter type. The Office Action assumes that since Gaskell mentions a plurality of calibration factors, that each meter type would necessarily have calibration factors that would allow differentiation. This is an assumption that is not confirmed by the text of Gaskell and is therefore improper.

The Office Action further asserts that Gaskell discloses that “a processing system can select calibration factors according to flow meter type.” The Office Action attempts to imply that the control means 2 of Gaskell is identifying the meter under test. However, it is clear from the text that the control means 2 of Gaskell does not make an identification. On the contrary, Gaskell at page 6, second full paragraph and again at page 8, lines 1-4 discloses that a user or operator enters identifying information into the

control means 2. The control means 2 subsequently accesses an appropriate calibration factor based on the identification given by the operator of the test system.

The Office Action concedes that Gaskell does not disclose determining the flow meter type. The Office Action therefore combines Gaskell with Zimmerman and asserts that “since Zimmerman et al discloses that it is known that flow probe type can be identified using a monitoring system it would have been obvious to one of ordinary skill in the art that the calibration factors in a system similar to that of Gaskell et al could have been used to identify flow meter type in order to avoid the need for pre identification of type.”

Zimmerman does not identify a flow meter type using stored calibration data within the flow meter. Zimmerman does not disclose flow meter type identification beyond using physically identifying characteristics of the probe. In contrast, Zimmerman discloses a flow meter that includes a “plurality of probes of differing characteristics” (see col. 1, lines 27-28). A suitable probe can be chosen by a user and installed onto the flow meter. Zimmerman discloses that the *flow meter* can autonomously detect the probe type by using optical features of the probe (see col. 2, lines 25-52). Zimmerman further discloses that the *flow meter* can autonomously detect the probe type by using a mechanical or structural feature “which mates with, or is otherwise detectable by, the detector included in the transducer” (see col. 2, lines 61-63).

Zimmerman does not disclose a flow meter monitoring *system*. Zimmerman does not disclose determining flow meter type for one or more remotely located flow meters. Instead, Zimmerman requires physical contact of a single flow meter and a single probe. No data is exchanged between the flow meter and the probe in Zimmerman.

Zimmerman does not disclose receiving a plurality of meter calibration values. Zimmerman only discloses and covers a single flow meter that can only determine a probe type of a single, attached flow meter probe.

The proposed combination of Gaskell and Zimmerman does not include all of the elements of the present application. The combination of Gaskell and Zimmerman does not disclose determining a flow meter type from meter calibration values. The combination of Gaskell and Zimmerman does not disclose receiving meter calibration values for the flow meter. The combination of Gaskell and Zimmerman is not capable of

receiving meter calibration values for a plurality of flow meters. The combination of Gaskell and Zimmerman does not disclose a flow meter type being distinguishable from flow meter calibration values. The combination of Gaskell and Zimmerman does not disclose a flow meter monitoring system correlating meter calibration values to a flow meter type.

In addition, there is no motivation given for a combination of Gaskell and Zimmerman. The Court of Appeals for the Federal Circuit has held that: "It is insufficient that the prior art disclosed the components of the patented device, either separately or used in other combinations; there must be some teaching, suggestion, or incentive to make the combination made by the inventor" Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990), *cert. denied*, 498 U.S. 920 (1990).

Independent claims 1, 10, and 20 therefore include features that are neither taught nor suggested by Gaskell or Zimmerman. Dependent claims 2-9, 11-19, and 21-29 are allowable for the same reasons as claims 1, 10, and 20.

Applicants respectfully request allowance of claims 1-29. Please feel free to call to discuss the patentability of the pending claims.

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SIGNATURE OF PRACTITIONER

Gregg Jansen, Reg. No. 46,799
The Ollila Law Group LLC
Telephone: (303) 938-9999 ext. 14
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 32,827